

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LAFVORNE BARNETT,

Plaintiff,

v.

**ORDER**

C.O. A THOMAS, et al.,

24-CV-01174 (PMH)

Defendants.

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PHILIP M. HALPERN, United States District Judge:

On May 19, 2025, the Court granted Plaintiff leave to file an amended complaint to add Sergeant Theodore Brooks as a Defendant. (Doc. 69). On June 6, 2025, the Court granted Plaintiff leave to add John and Jane Doe Defendants and extended his time to file his amended pleading to June 25, 2025. (Doc. 74). On June 10, 2025, Plaintiff's letter was docketed, which he labeled as a "Sec[ond] Amended Complaint." (Doc. 76). The next day, the Court advised Plaintiff that his purported amended pleading failed to make factual allegations to support his claim, directed Plaintiff to refile his amended pleading to provide more facts, and attached a copy of the Civil Rights Amended Complaint form. (Doc. 77). On June 17, 2025, the Court granted Plaintiff leave to add Tenisha L. Melendez and DSI Bennie Thorpe as Defendants and extended Plaintiff's time to file his amended pleading to July 2, 2025. (Doc. 80).

On June 24, 2025, Plaintiff filed another document labeled "Second Amended Complaint." (Doc. 82). This filing, however, also failed to make factual allegations to support his claim. Thus, on June 26, 2025, the Court again directed Plaintiff to refile his amended pleading to provide more facts and attached a copy of the Civil Rights Amended Complaint form. (Doc. 83).<sup>1</sup> The Court also

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<sup>1</sup> Sergeant Theodore Brooks, Tenisha L. Melendez, DSI Bennie Thorpe, as well as John Doe and Jane Doe were added to the docket as defendants after Plaintiff's June 24, 2025 filing.

extended Plaintiff's time to file his amended pleading to July 16, 2025, and advised Plaintiff that "[n]o further extensions will be granted." (*Id.*).

Plaintiff failed to file an amended pleading by that deadline. Further, a letter from Plaintiff was docketed on July 24, 2025, in which he states: "[I] do not want to do no more Amended Complaints at all so it will stay the same[.]" (Doc. 85). Accordingly, as Plaintiff has repeatedly failed to follow the Court's direction to file an amended pleading with factual allegations to support his claim and appears to no longer want to amend his complaint, Plaintiff's March 29, 2024 Second Amended Complaint (Doc. 23) will remain the operative pleading in this action. As Plaintiff has failed to amend this Second Amended Complaint, Andy Thomas, Kovon Edwards, and Michael Banks remain as the only defendants in this action.

The Clerk of Court is respectfully directed to (1) terminate Sergeant Theodore Brooks, Tenisha L. Melendez, DSI Bennie Thorpe, John Doe, and Jane Doe as defendants in this action; and (2) mail a copy of this Order to Plaintiff.

Dated: White Plains, New York  
July 25, 2025

SO ORDERED:



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Philip M. Halpern  
United States District Judge